IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Criminal Writ Petition No. 547 of 2006 (M/S)

1. Ram Giri Goswami
   S/o Chandra Giri Goswami
2. Panna Devi
   W/o Ram Giri
   Both the R/o Bagari Camp,
   Kaulagarh Dehradun. .....Petitioners

Vs

1. Judicial Magistrate, Dehradun
2. Surendra Dumar Gupta
   S/o H.C. Gupta
   R/o 135/3 Kaulagarh Road
   Dehradun .....Respondents.

Hon'ble B.C. Kandpal, J.

Heard Sri D.C.S. Rawat, learned counsel for the petitioners and perused the record.

2. As per the petition, the petitioners are facing trial under Section 452, 504,506 I.P.C. in Criminal Complaint Case No. 332 of 2004 S.K. Gupta Vs Ram Giri Goswami & another pending before the Learned Judicial Magistrate, C.B.I. Dehradun.

3. The complaint under Section 156(3) of the Cr. P.C. was filed on 12th June, 2002 by the respondent no.2 – Surendra Kumar Gupta against the petitioners before the Chief Judicial Magistrate. Cognizance was taken on that complaint under Sections 452, 323,504 and 506 I.P.C. on 24th September, 2002. Thereafter, 17th December, 2002 was fixed for the appearance of the petitioners who are the accused in the case.

4. In compliance of the order passed by the court below, the petitioners appeared before the trial court on 7th July, 2003 and obtained their bail. The trial court fixed 8th September, 2003 for prosecution evidence under Section 244 of Cr. P.C. Thereafter, the statements were recorded under Section 244 of Cr. P.C. and the case was fixed for arguments on 15th July, 2005 for arguments prosecution evidence.

5. It is alleged in the petition that the prosecution has availed several adjournments but in spite of that no evidence has been adduced so far. The petitioner has therefore, prayed for issuing a direction to the trial court for deciding the case expeditiously.

6. The record reveals that the prosecution has availed several opportunities in this case for producing the evidence but it appears to me that the prosecution has not seriously making any efforts in producing the evidence before the trial court.

7. However, in the interest of justice, the trial is directed to decide the Criminal Case No. 332 of 2004 Surendra Kumar Gupta Vs Ram Giri & another under Sections 452, 506, of I.P.C. expeditiously and preferable within a period of three months form the date of production of certified copy of the order passed by this Court.

8. With the aforesaid observations, the writ petition is disposed of finally.

12th May, 2006 **(B.C. Kandpal, J.)**
ASWAL